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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,420	10/13/2000	Peter Joseph Rock	13DV13812	8491
29399	7590	01/26/2005	EXAMINER	
JOHN S. BEULICK C/O ARMSTRONG TEASDALE LLP ONE METROPOLITAN SQUARE SUITE 2600 ST. LOUIS, MO 63102-2740			CHEN, CHONGSHAN	
			ART UNIT	PAPER NUMBER
			2162	
DATE MAILED: 01/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/687,420	ROCK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chongshan Chen	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 05 August 2004.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-18 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This action is responsive to Amendment filed on 5 August 2004. Claims 1-18 are pending in this Office Action.

### ***Response to Arguments***

2. As per applicant's arguments regarding the references do not teach any qualities desired in a candidate, such as analytical ability, self-confidence, initiative, change orientation, and interpersonal skills have been considered but are not persuasive. Haq teaches ISDRM allows specific job functions (roles and responsibilities) in a specialty to be identified by a skills template. A skill template basically identifies the relevant importance of each skill (Weights) and the skill level (Index) required in each skill to perform a job function. ... A template basically identifies what skill levels are required and what is their importance for a job function (Haq, col. 5, lines 25-35). The skills of a person possessed indicate whether the person has the analytical ability to do the job, and the skill level of the person indicates whether the person has enough self-confidence in doing the job because a highly skilled person will have more confidence than a basic skilled person in handling same job. Therefore, the argument is not persuasive.

3. As per applicant's arguments regarding the references do not teach determining if the candidate possesses at least one of a plurality of independent characteristics wherein a predetermined combination of the characteristics are indicative of a degree to which the candidate possesses the desired qualities have been considered but are not persuasive. Haq teaches determining if the candidate possesses at least one of a plurality of independent

characteristics (Haq, Fig. 5, determines whether engineer 1 possesses the RF Design skill 1, RF Design Skill 2, RF Design Skill 3, RF Maint. Skill 1, ...), and a predetermined combination of characteristics are indicative of a degree to which the candidate possesses the desired qualities (Haq, Fig. 5, col. 3, line 20 – col. 4, line 67, the I (Index) columns in the Fig. 5 indicates the degree to which the candidate possesses the desired qualities). Therefore, the argument is not persuasive.

4. As per applicant's arguments regarding the references do not teach generating a database including at least one characteristic for each individual wherein the at least one characteristic is correlative to the desired qualities have been considered but are not persuasive. Haq teaches generating a database including at least one characteristic for each individual wherein the at least one characteristic is correlative to the desired qualities (Haq, Fig. 2, element 78, Employee Database, element 79, Skills Assessment Forms, Fig. 5-7. Fig. 5-7 show whether engineer 1, 2 and 3 possess certain characteristic correlative to the desired qualities). Therefore, the argument is not persuasive.

5. As per applicant's arguments regarding the references do not teach normalizing the characteristic wherein normalizing includes comparing a total number of characteristics, possessed by the candidate, of a combination of characteristics that determine each desired quality, to a total number of possibly possessed characteristics for the desired quality, and assigning a value to each desired quality based on the comparison have been considered but are not persuasive. Haq teaches comparing a total number of characteristics, possessed by the candidate, of a combination of characteristics that determine each desired quality, to a total number of possibly possessed characteristics for the desired quality, and assigning a value to

each desired quality based on the comparison (Haq, col. 4, line 61 – col. 5, line 5). Therefore, the argument is not persuasive.

6. As per applicant's arguments regarding the references do not teach determining a candidate to interview have been considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Joao (US 6,662,194 B1). Please see the detailed rejection below.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haq et al. (hereinafter “Haq”, US 6,275,812 B1) in view of Joao (US 6,662,194 B1).

As per claim 1, Haq disclosing a method for determining candidates to interview, said method comprising the steps of:

providing pre-determined desired qualities for a candidate, the desired qualities include at least two of analytical ability, self-confidence, initiative, change orientation, and interpersonal skills (Haq, col. 5, lines 25-36, “ISDRM allows specific job functions (roles and responsibilities) in a specialty to be identified by a skills template. A skill template basically identifies the relevant importance of each skill (Weights) and the skill level (Index) required in each skill to perform a job function. ... A template basically identifies what skill levels are required and what

is their importance for a job function". The skills of a person possessed indicate whether the person has the analytical ability to do the job, and the skill level of the person indicates whether the person has enough self-confidence in doing the job because a highly skilled person will have more confidence than a basic skilled person in handling same job);

determining if the candidate possesses at least one of a plurality of independent characteristics, a predetermined combination of characteristics being indicative of a degree to which the candidate possesses the desired qualities (Haq, Fig. 5, col. 3, line 20 – col. 4, line 67, Fig. 5, determines whether engineer 1 possesses the RF Design skill 1, RF Design Skill 2, RF Design Skill 3, RF Maint. Skill 1, ..., the I (Index) columns in the Fig. 5 indicates the degree to which the candidate possesses the desired qualities);

generating a database including at least one characteristic for each candidate wherein the at least one characteristic is correlative to the desired qualities (Haq, Fig. 2, element 78, Employee Database, element 79, Skills Assessment Forms);

normalizing the characteristics, normalizing includes comparing a total number of characteristics, possessed by the candidate, of a combination of characteristics that determine each desired quality, to a total number of possibly possessed characteristics for the desired quality, and assigning a value to each desired quality based on the comparison (Haq, Fig. 5-10, col. 4, line 61 – col. 5, line 5, col. 6, lines 5-50);

displaying results for each candidate based on the desired quality values (Haq, col. 10, lines 40-43, "outputs of various of request/queries to the database").

Haq does not explicitly disclose selecting at least one candidate to interview based on the desired quality values. Joao teaches selecting at least one candidate to interview based on the

desired quality values (Joao, col. 24, lines 22-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Haq by incorporating selecting interview as disclosed by Joao (Joao, col. 24, lines 22-35). The motivation being to allow the employer to decide which candidate is the most suitable candidate for the job through the interview process.

As per claim 2, Haq and Joao teach all the claimed subject matters as discussed in claim 1, and further disclose storing the predetermined desired qualities for a candidate within the database, the desired qualities include analytical ability, self-confidence, initiative, change orientation, and interpersonal skills (Haq, Fig. 5, col. 5, lines 25-36).

As per claim 3, Haq and Joao teach all the claimed subject matters as discussed in claim 1, and further disclose obtaining pre-determined desired qualities associated with each characteristic (Haq, col. 5, lines 25-36); and normalizing characteristics of each candidate with the pre-determined desired qualities associated with each characteristic (Haq, col. 6, lines 5-50).

As per claim 4, Haq and Joao teach all the claimed subject matters as discussed in claim 1, and further disclose summing the normalized characteristics of each candidate; and dividing the sum total of the normalized characteristics by a pre-determined value representing a total amount possible (Haq, col. 5, lines 1-5).

As per claim 5, Haq and Joao teach all the claimed subject matters as discussed in claim 1, and further disclose displaying the results (Haq, col. 10, lines 40-43), which inherently includes displaying the results of the candidates in at least one of a tabular output format and a graphical output format.

Claims 6-8 rejected on grounds corresponding to the reasons given above for claims 1-3.

As per claim 9, Haq and Joao teach all the claimed subject matters as discussed in claim 6, and further disclose

rank each candidate based on normalized characteristics (Haq, Fig. 11); and sum the normalized characteristics of each candidate (Haq, col. 5, lines 1-5).

As per claim 10, Haq and Joao teach all the claimed subject matters as discussed in claim 9, and further disclose divide the sum total of all normalized characteristics by an amount representing a pre-determined possible total (Haq, col. 5, lines 1-5).

As per claim 11, Haq and Joao teach all the claimed subject matters as discussed in claim 6, and further disclose displaying the results (Haq, col. 10, lines 40-43), which inherently includes displaying the results of the candidates in at least one of a tabular output format and a graphical output format.

Claims 12-13 are rejected on grounds corresponding to the reasons given above for claims 1-2.

As per claim 14, Haq and Joao teach all the claimed subject matters as discussed in claim 12, and further disclose normalizing the characteristics, said processor further programmed with pre-determined desired qualities associated with each characteristic (Haq, col. 5, lines 25-36).

As per claim 15, Haq and Joao teach all the claimed subject matters as discussed in claim 12, and further disclose normalize the characteristics, said processor further programmed to normalize candidate characteristics with known qualities associated with each characteristic (Haq, col. 5, lines 25-36).

As per claim 16, Haq and Joao teach all the claimed subject matters as discussed in claim 12, and further disclose summing the normalized characteristics of each candidate; and dividing

the sum total of the normalized characteristics by an amount representing a predetermined possible total (Haq, col. 5, lines 1-5).

As per claim 17, Haq and Joao teach all the claimed subject matters as discussed in claim 16, and further disclose displaying the results (Haq, col. 10, lines 40-43), which inherently includes displaying the results of the candidates in a tabular output format.

As per claim 18, Haq and Joao teach all the claimed subject matters as discussed in claim 16, and further disclose displaying the results (Haq, col. 10, lines 40-43), which inherently includes displaying the results of the candidates in a graphical output format.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is (571)272-4031. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571)272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chongshan Chen  
January 16, 2005



JEAN M. CORRIELUS  
PRIMARY EXAMINER